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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,213	06/14/2000	Lee Jay Lorenzen	CCTYP001	7835
25213	7590	10/03/2005	EXAMINER	
HELLER EHRMAN LLP 275 MIDDLEFIELD ROAD MENLO PARK, CA 94025-3506			ZEENDER, FLORIAN M	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,213

Applicant(s)

LORENZEN ET AL.

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-35 and 37 is/are rejected.
- 7) ☒ Claim(s) 36 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/8/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 27-35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory '567 in view of DiAngelo et al. '482.

Gregory discloses, inherently teaches, or makes obvious the limitations of the claims including: a commerce server having a database with product information from multiple vendors (See, for example, Col. 2, lines 28-38), transaction functionality (See, for example Col. 4, lines 38-52), and shipping information (See for example Col. 4, line 49). Gregory further teaches that it is old and well known to provide the commerce database with detailed product descriptions (See, for example, the "BACKGROUND OF THE INVENTION" and Col. 4, lines 11-13).

Gregory lacks the specific teaching of the use of a universal shopping cart.

DiAngelo et al. teaches a similar on-line transaction system whereby a universal shopping cart is used (See, for example, paragraphs Col. 2, line 20 through Col. 3, line 44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gregory to use a universal shopping cart, in view of DiAngelo et al., in order to "facilitate Web commerce" (See DiAngelo et al., Col. 2, lines 30-32).

Re claims 34, 35, and 37: the limitations would have been obvious design choices to one of ordinary skill in the art in order to achieve a desired result.

Response to Arguments

Applicant's arguments filed 7/8/2005 and 8/24/2005 have been fully considered but they are not persuasive.

Regarding the arguments filed 7/8/2005:

The applicant argues that Gregory fails to show one website that allows consumers to buy products multiple vendors without having to leave the website to view detailed product information from different vendors. Claim 27 states: "detailed product descriptions sufficient to make a purchase decision", which is supported by Gregory in that summaries of products may be enough detail for a buyer to purchase a product.

The applicant further argues that there is no way in Gregory to add a product to a cart except through the Merchant Content Server. While this may be true, the "shopping cart" is taught by DiAngelo (as indicated in the rejection above) and Gregory teaches that the commerce server "provides transaction functionality" (See for example Gregory, Col. 2, lines 38-48). The buyer only has to go to the merchant website if he/she requests more information (Gregory, Col. 2, lines 52-56). It is not a necessity.

DiAngelo is simply used to show that a universal shopping cart is well known.

Allowable Subject Matter

Claims 36 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600.

F. Zeender
Patent Examiner, A.U. 3627
September 28, 2005

 9/28/05
**F. RYAN ZEENDER
PRIMARY EXAMINER**